

Message

**From:** Khan, Annie (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MASSMAIL-01/CN=RECIPIENTS/CN=ANNIE.KHAN]  
**Sent:** 9/13/2011 12:17:25 PM  
**To:** Saunders, Della (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=Della.Saunders]  
**Subject:** FW: Comm. v. [REDACTED] State Lab nos. [REDACTED]

FYI

Annie

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**From:** Lawler, Michael (DPH)  
**Sent:** Friday, September 09, 2011 11:50 AM  
**To:** Tynes, Marjorie (SUF)  
**Cc:** Khan, Annie (DPH)  
**Subject:** Comm. v. [REDACTED] State Lab nos. [REDACTED]

ADA Tynes,

I have collated a discovery package for the case noted above. I will forward it to you attached as a PDF file in the e-mail immediately following this one. You will know it is safe to open because it is from me.

If the case does progress to a trial, please alert me to what day the chemists may have to appear. Of course, we must request to be put on call to come in at a particular moment.

One final consideration regarding the chemist's obligation to appear in fulfillment of the defendant's right to confront. In pre-trial considerations, if you care to offer the defendant the opportunity to stipulate to the certificate and the chemist's testimony, this would of course, release us from the obligation. However, if the defendant does not stipulate and we leave the laboratory to appear in your case, we expect to testify. When the defense team learns we are in the court, they may well offer to stipulate. This is not the moment to accept a stipulation. Once we leave the laboratory, we expect to testify. Thank you for this consideration.

If you need to clarify any of the discovery materials, please call me at (617) 983-6627.

Sincerely,  
Michael Lawler  
Senior Chemist  
Drug Laboratory  
State Laboratory